

REMARKS

Claims 1-12 are pending and under consideration. Claims 1, 4, and 7-10 have been amended. Support for the amendments to the claims may be found in the claims as originally filed. This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding. Further reconsideration is requested based on the foregoing amendment and the following remarks.

Response to Arguments:

The Applicants appreciate the consideration given to their arguments. The Applicants, however, are disappointed that their arguments were not found to be persuasive. The assertion at the top of page 3 final Office Action to the effect that "obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility," and "obtaining second biological information from the owner of the recording medium, in a case where it is determined that the recording medium is presented at a second, later time in the facility," amounts to "biological information is being obtained regardless if the recording medium is presented for the first time or the second time," ignores the claimed distinction between *first* biological information and *second* biological information. Furthermore, this is not simply a repetition of the same process, contrary to the assertion at page 3, lines 13 and 14 of the final Office Action.

Since Scott, rather, describes collecting the *same* type of biological information *regardless* of whether the recording medium is being presented the first time or the second time, Scott has no need for the claimed determination "that the recording medium is presented for a first time in the facility." The final Office Action thus ignored completely the step of determining whether the recording medium is presented for a first time in the facility. Since, Scott, rather, collects a biometric sample each and every time the sensor system is used, there would be no purpose for the determining step of the claimed invention in Scott. Still, in the interest of compact prosecution only, and not for any reason of patentability, the claims have been amended to recite "determining that the recording medium is presented for a first time in the facility, and obtaining first biological information from an owner of the recording medium," in order to make this distinction more clear.

Office Interview:

At the bottom of page 3, the Examiner suggests an interview. The undersigned representative of the Applicants left several messages for the Examiner in pursuit of such an interview, and actually managed to talk to the Examiner once, but no interview was ever arranged. The undersigned representative of the Applicants requests that the suggested interview be scheduled at the Examiner's earliest convenience.

Breadth of claims 11 and 12:

Finally, at the top of page 4 of the final Office Action appears the statement that "New claims 11 and 12 are too broad as far as claim language is concern," but without any reasons or evidence in support of that assessment of claims 11 and 12. The Applicants request respectfully some indication of the reasoning based on evidence that led to this assessment of the breadth of claims 11 and 12. In the alternative, claims 11 and 12 are submitted to be of a scope commensurate with the references cited to date, and hence allowable. Further reconsideration is thus requested.

Claim Rejections - 35 U.S.C. § 112:

Claims 1-8, 11, and 12 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The final Office Action has apparently read the reference to a "ticket" at page 2, line 26 of the specification to be literally a paper ticket, although no such definition appears in the specification at all. Furthermore, the ticket is merely exemplary, as evidenced by the phrase "such as," preceding the word "ticket" in the specification, and is thus not meant to be limiting. Finally, a description in the specification is not normally imported into the claims, and thus, this rejection is submitted to be in error. The concept of "ticket," rather is broader the paper ticket on which the final Office Action has apparently settled, and the claims ought not to be so limited. Withdrawal of the rejection is earnestly solicited.

Furthermore, since the concept of "ticket," is more broad the paper ticket on which the final Office Action has apparently settled, the invention possesses utility commensurate with the provisions of 35 U.S.C. § 101.

Claim Rejections - 35 U.S.C. § 102:

Claims 1, 4, and 7-12 were rejected under 35 U.S.C. § 102(e) as anticipated by Scott *et al.*, US 6,484,260 (hereinafter "Scott"). The rejection is traversed to the extent it would apply to the claims as amended.

Claim 1 recites:

Determining that the recording medium is presented for a first time in the facility, and obtaining first biological information from an owner of the recording medium.

Scott neither teaches, discloses, nor suggests "determining that the recording medium is presented for a first time in the facility, and obtaining first biological information from an owner of the recording medium," as recited in claim 1. As described in Scott, rather, at column 6, lines 58-61:

Memory 20 also stores a fingerprint template that is generated by processing unit 16 from a fingerprint image signal provided by optics 12 unit when an individual first enrolls into PID 6, as will be described in detail below.

Since memory 20 of Scott stores a fingerprint template that is generated by processing unit 16 from a fingerprint image signal provided by optics unit 12 when an individual first *enrolls* into PID 6, Scott is not "determining that the recording medium is presented for a first time in the facility, and obtaining first biological information from an owner of the recording medium," as recited in claim 1. Scott, rather, is enrolling, *i.e.* storing a fingerprint template for all the individuals, whether they will ever use PID 6 or not.

Furthermore, as described in Scott at column 7, lines 54-57:

An owner of PID 6 must first "enroll" into the unit. Enrollment is the process of scanning a finger to create an image which is stored as a fingerprint template in memory 20.

Since an owner of PID 6 must first "enroll" into the unit, Scott is not "determining that the recording medium is presented for a first time in the facility, and obtaining first biological information from an owner of the recording medium," as recited in claim 1. Scott, rather, is enrolling, *i.e.* storing a fingerprint template for all the individuals, whether they will ever use PID 6 or not. Thus, Scott has no need to determine whether the recording medium is being presented for the first time, since he knows the owner will have been enrolled already.

Claim 1 recites further:

Obtaining second biological information from the owner of the recording medium, in a case where it is determined that the recording medium is presented at a second, later time in the facility.

Scott neither teaches, discloses, nor suggests "obtaining second biological information from the owner of the recording medium, in a case where it is determined that the recording medium is presented at a second, later time in the facility," as recited in claim 1. As described in Scott, rather, at column 10, lines 27 and 28:

The user's fingerprint is always verified with the fingerprint template to allow the use of the encryption key.

Since the user's fingerprint is *always* verified with the fingerprint template to allow the use of the encryption key, Scott is not "obtaining second biological information from the owner of the recording medium, in a case where it is determined that the recording medium is presented at a second, later time in the facility," as recited in claim 1. In Scott, rather, a user's fingerprint is always verified, whether they will be using the PID 6 the first time or not. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claim 4:

Claim 4 recites:

Determining that the recording medium is presented for a first time in the facility based on the information on the use status extracted from the database, using the identifier read in the recording medium reading part as key information, and obtaining first biological information from an owner of the recording medium.

Scott neither teaches, discloses, nor suggests "determining that the recording medium is presented for a first time in the facility, and obtaining first biological information from an owner of the recording medium," as discussed above with respect to the rejection of claim 1, let alone "determining that the recording medium is presented for a first time in the facility based on the information on the use status extracted from the database, using the identifier read in the recording medium reading part as key information, and obtaining first biological information from an owner of the recording medium," as recited in claim 4.

Claim 4 recites further:

Obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility.

Scott neither teaches, discloses, nor suggests obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility, as also discussed above with respect to the rejection of claim 1. Claim 4 is thus submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 4 is earnestly solicited.

Claim 7:

Claim 7 recites:

Determines whether the recording medium is presented for a first time in the facility,
obtains first biological information from an owner of the recording medium and registers the first biological information in the recording medium.

Scott neither teaches, discloses, nor suggests “determining that the recording medium is presented for a first time in the facility, and obtaining first biological information from an owner of the recording medium,” as discussed above with respect to the rejection of claim 1, let alone “determines whether the recording medium is presented for a first time in the facility, obtains first biological information from an owner of the recording medium and registers the first biological information in the recording medium,” as recited in claim 7.

Claim 7 recites further:

Checks the use status of the recording medium in the facility from the read information, and in case where it is determined that the recording medium is presented at a second, later time in the facility obtains second biological information from the owner of the recording medium.

Scott neither teaches, discloses, nor suggests obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility, as also discussed above with respect to the rejection of claim 1. Claim 7 is thus submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 7 is earnestly solicited.

Claim 8:

Claim 8 recites:

Determining whether the recording medium is presented for a first time in the facility based on the information on the use status extracted from the database, using the identifier read from the recording medium as key information, and obtaining first biological information from an owner of the recording medium and storing the first biological information in the database so as to associate the first biological information with the identifier.

Scott neither teaches, discloses, nor suggests “determining that the recording medium is presented for a first time in the facility, and obtaining first biological information from an owner of the recording medium,” as discussed above with respect to the rejection of claim 1, let alone “determining whether the recording medium is presented for a first time in the facility based on the information on the use status extracted from the database, using the identifier read from the recording medium as key information, and obtaining first biological information from an owner of

the recording medium and storing the first biological information in the database so as to associate the first biological information with the identifier," as recited in claim 8.

Claim 8 recites further:

In a case where it is determined that the recording medium is being presented a second, later time in the facility, based on information on the use status extracted from the database, using the identifier read from the recording medium as key information, obtaining second biological information from the owner of the recording medium.

Scott neither teaches, discloses, nor suggests obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility, as also discussed above with respect to the rejection of claim 1. Claim 8 is thus submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 8 is earnestly solicited.

Claim 9:

Claim 9 recites:

To determine whether the recording medium is presented for a first time in the facility, to obtain first biological information from an owner of the recording medium and to store the first biological information in the recording medium.

Scott neither teaches, discloses, nor suggests "determining that the recording medium is presented for a first time in the facility, and obtaining first biological information from an owner of the recording medium," as discussed above with respect to the rejection of claim 1, let alone "to determine whether the recording medium is presented for a first time in the facility, to obtain first biological information from an owner of the recording medium and to store the first biological information in the recording medium," as recited in claim 9.

Claim 9 recites further:

To check the status of the recording medium in the facility from the read information, and in a case where it is determined that the recording medium is presented for a second, later time in the facility, to obtain second biological information from the owner of the recording medium.

Scott neither teaches, discloses, nor suggests obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility, as also discussed above with respect to the rejection of claim 1. Claim 9 is thus submitted to be allowable as well, for at least those reasons

discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 9 is earnestly solicited.

Claim 10:

Claim 10 recites:

Determine whether the recording medium is presented for a first time in the facility based on the information on the use status extracted from the database, using the identifier read from the recording medium as key information, to obtain first biological information from the owner of the recording medium.

Scott neither teaches, discloses, nor suggests “determining that the recording medium is presented for a first time in the facility, and obtaining first biological information from an owner of the recording medium,” as discussed above with respect to the rejection of claim 1, let alone “determine whether the recording medium is presented for a first time in the facility based on the information on the use status extracted from the database, using the identifier read from the recording medium as key information, to obtain first biological information from the owner of the recording medium,” as recited in claim 10.

Claim 10 recites further:

In a case where it is determined that the recording medium is presented at a second, later time in the facility, based on information on the use status extracted from the database, using the identifier read from the recording medium as key information, to obtain second biological information from the owner of the recording medium.

Scott neither teaches, discloses, nor suggests obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility, as also discussed above with respect to the rejection of claim 1. Claim 10 is thus submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 10 is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 2, 3, 5 and 6 were rejected under 35 U.S.C. § 103 as being unpatentable over Scott in view of Gressel, US 6,311,272 (hereinafter “Gressel”). The rejection is traversed. Reconsideration is earnestly solicited. Claims 2 and 3 depend from claim 1 and add additional distinguishing elements.

Scott neither teaches, discloses, nor “determining that the recording medium is presented for a first time in the facility, and obtaining first biological information from an owner of the recording medium,” or “obtaining second biological information from the owner of the recording medium, in a case where it is determined that the recording medium is presented at a second, later time in the facility,” as discussed above with respect to the rejection of claim 1. Gressel does not either, and thus cannot make up for these deficiencies of Scott with respect to the rejection of claims 2 and 3.

As Gressel, rather, describes at column 3, lines 62-65:

The system is now ready to enroll users, including maintaining a record of enrolled users allowing enrolled users to be individually recognized and therefore to be distinguished from each other and from non-enrolled individuals.

Since, in Gressel, the users are enrolled before using the system, Gressel is not “obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility,” as recited in claim 1. Thus, even if Scott and Gressel were combined, as proposed in the Office Action, the claimed invention would not result.

Claims 2 and 3 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2 and 3 is earnestly solicited.

Claims 5 and 6:

Claims 5 and 6 depend from claim 4 and add additional distinguishing elements. Scott neither teaches, discloses, nor suggests “determining that the recording medium is presented for a first time in the facility, and obtaining first biological information from an owner of the recording medium,” or “obtaining second biological information from the owner of the recording medium, in a case where it is determined that the recording medium is presented at a second, later time in the facility,” as discussed above with respect to the rejection of claim 4.

Gressel does not either, as discussed above with respect to the rejection of claims 2 and 3, and thus cannot make up for these deficiencies of Scott with respect to claims 5 and 6. Thus, even if Scott and Gressel were combined, as proposed in the Office Action, the claimed invention would not result. Claims 5 and 6 are thus also submitted to be allowable. Withdrawal of the rejection of claims 5 and 6 is earnestly solicited.

Claims 11 and 12:

Claim 11 recites:

Obtaining first biological information from a first owner of the recording medium and registering the first biological information in the recording medium if the recording medium is being presented for the first time.

Neither Scott nor Gressel teach, disclose, or suggest "obtaining first biological information from an owner of the recording medium in a case where it is determined that the recording medium is presented for a first time in the facility," as discussed above with respect to the rejection of claim 1. Claim 11 is thus submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 11 is earnestly solicited.

Claim 12 depends from claim 11 and recites:

Obtaining second biological information from a second owner of the recording medium and determining whether the second owner is the same as the first owner by comparing the second biological information to the first biological information.

Neither Scott nor Gressel teach, disclose, or suggest "obtaining second biological information from the owner of the recording medium in a case where it is determined that the recording medium is presented at second and later time in the facility," as also discussed above with respect to the rejection of claim 1. Claim 12 is thus submitted to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 12 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-12 are allowable over the cited references. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

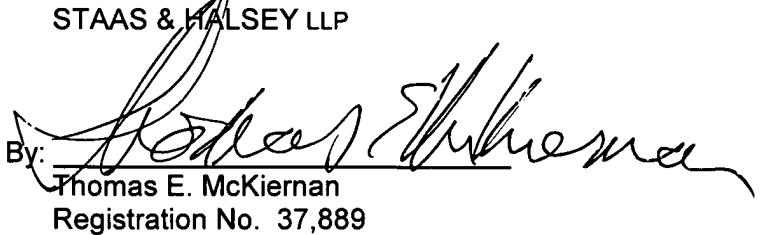
Respectfully submitted,

STAAS & HALSEY LLP

By:

Thomas E. McKiernan
Registration No. 37,889

Date: 21 Feb 06



A handwritten signature in black ink, appearing to read "Thomas E. McKiernan".

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501